

Factsheet 43: Environmental Protection



Garden Bonfires Advice

What's Wrong with Bonfires?

Air Pollution

Burning garden waste produces smoke – especially if that waste is green or damp. This will emit harmful pollutants including particles and dioxins. Burning plastic, rubber or painted materials creates noxious fumes that give off a range of poisonous compounds.

Health Effects

Air pollution can have damaging health effects and people with existing health problems are especially vulnerable, e.g. asthmatics, bronchitis sufferers, people with heart conditions, children and the elderly.

Annoyance

Smoke, smuts and smell from bonfires have long been a source of a significant number of complaints to local authorities every year. Smoke prevents neighbours from enjoying their gardens, opening windows or hanging washing out and reduces visibility in the neighbourhood on roads. Allotments near homes can cause problems if plot holders persistently burn green waste and leave fires smouldering.

Safety

Fire can spread to fences or buildings and scorch trees and plants. Exploding bottles and cans are a hazard when rubbish is burned. Piles of garden waste are often used as a refuge by animals, so look out for hibernating wildlife and sleeping pets.

What's the Alternative?

Composting

Rather than burning garden waste or putting food waste in the dustbin where it will end up buried or incinerated, a compost bin will produce useful soil conditioner, saving money on commercial products. You can subscribe to the Preston City Council green waste collection service on our website. Woody waste can be shredded to make it suitable for composting or mulching. You can buy or hire

shredders and some allotment societies have their own. If using a shredder be considerate – they are very noisy so don't swap one nuisance for another!



Recycling

Household waste should certainly not be burnt. Many items can be reused or recycled and further information can be found on our website. Burning old furniture can cause particular hazards as some materials can release toxic fumes when burnt. If furniture is in reasonable condition there are many charitable. The Council also offer a bulky waste collection service for old furniture. Your unwanted goods may also be of value to other people and can be donated to charity shops, or even make you money through sale in classified adverts, car boot sales or services such as eBay or your local Freecycle network.

Bonfires and the Law

Where and When Can I Have a Bonfire?

It is a common misconception that there are specific byelaws prohibiting garden bonfires or specifying times they can be lit – there aren't. However, this is not a licence for indiscriminate burning!

Under the Environmental Protection Act 1990 (as amended), it is an offence for people to dispose of their domestic waste in a way likely to cause pollution of the environment or harm to human health. In practice, you should not burn waste that is likely to create excessive smoke or noxious fumes. If only dry garden waste is burnt, your bonfire should not cause a problem but this is dependent on your location.

Most bonfire problems are addressed under nuisance legislation. Under the Environmental Protection Act 1990, a statutory nuisance includes "smoke, fumes or gases emitted from premises so as to be prejudicial to health or a nuisance." In practice, a fire would have to be a recurrent persistent problem, interfering substantially with neighbours wellbeing, comfort or enjoyment of their property.

If a bonfire of industrial or commercial waste is emitting black smoke, it is dealt with under the Clean Air Act 1993 – this includes the burning of such material in your garden. Under Section 34 of the Environmental Protection Act 1990 it is illegal to dispose of waste that is not from your property – for example, from your workplace or from a neighbour and tradesmen must not burn waste from site at home.

How do I Complain about a Bonfire?

If bothered by smoke, approach your neighbour and explain the problem. You might feel awkward but they may not be aware of the distress they are causing and it will hopefully make them more considerate in the future. If

this fails, Environmental Health should be notified. We may issue a notice under the Environmental Protection Act 1990 if we consider a nuisance is being caused. The Act also allows you to take private action in the magistrate's court. However, if a fire is a one off, it may be difficult to prove a nuisance.



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Similarly, if you are troubled from bonfires from different neighbours, each only burning occasionally, a nuisance action would be difficult as there are several offenders. In this situation, encourage them to consider the alternatives – give them a copy of this leaflet! Finally, under Section 161A of the Highways Act 1980, anyone lighting a fire and allowing smoke to drift across a road faces a fine if it endangers traffic or causes injury. Contact the Police if this is the case.

Barbeques

Barbeques can also cause smoke and odour problems – especially if you use lighter fuel. Again, be considerate. Warn your neighbours and don't light up if they have washing out. If it is windy, make sure smoke won't blow directly into neighbouring properties – and keep the noise down.

But I Like Bonfires

A bonfire can be a useful way to dispose of garden waste that cannot be composted. Bonfires have traditionally been used to mark events such as Bonfire Night. If you do have a bonfire to dispose of garden waste, or on Bonfire Night, warn your neighbours – they are much less likely to complain. And follow our good bonfire guidelines.

Bonfire Guidelines

- Only burn dry material.
- Never burn household rubbish, rubber tyres, or anything containing plastic, foam or paint.
- Avoid lighting a fire in unsuitable weather conditions – smoke hangs in the air on damp, still days. If it is too windy, smoke blows into neighbours gardens and windows and across roads.
- Avoid burning when air pollution levels in your area are high or very high. You can check air quality on 0800 556677 or at: <http://uk-air.defra.gov.uk>
- Keep your fire away from trees, fences and buildings.
- Never use oil, petrol to light a fire – you could harm yourself and damage the environment.
- Never leave a fire unattended or leave it to smoulder – put it out.

Environmental Health

Produced by PCC Environmental Health Department

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Contacting us

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